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\*E-FILED 1/10/08\*

8 ATTORNEYS FOR PLAINTIFF JOHN KESSLER,  
ADMINISTRATOR OF THE ESTATE OF RUTH HAWKINS

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12 JOHN KESSLER, ADMINISTRATOR OF  
THE ESTATE OF RUTH FOUND  
13 HAWKINS,

14 Plaintiff,

15 v.

16 UNITED STATES OF AMERICA,

17 Defendant.

CASE NO. C-06-07492-RS

STIPULATION AND ~~PROPOSED~~ ORDER  
RE: BRIEFING SCHEDULE ON  
*PLAINTIFF'S PARTIAL MOTION FOR  
SUMMARY JUDGMENT AND  
DEFENDANT'S CROSS-MOTION FOR  
SUMMARY JUDGMENT*

19 Plaintiff John Kessler, Administrator of the Estate of Ruth Found Hawkins, and  
20 Defendant the United States of America, by and through their undersigned counsel, hereby  
21 stipulate as follows:

22 1. WHEREAS Plaintiff intends to file a partial summary judgment and Defendant  
23 anticipates filing a cross-motion for summary judgment;

24 2. WHEREAS a hearing on such motions is scheduled for February 27, 2008;

25 3. WHEREAS the parties have agreed to a briefing schedule for such motions;

26 4. WHEREAS the parties intend to enter into settlement negotiations, which may  
27 dispense with the need for a determination with respect to the parties' intended motions;

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1       5. WHEREAS the parties have previously agreed to two time modifications relating  
2 to the filing of pleadings on Defendant's motion for summary judgment and Defendant has only  
3 requested an extension of time in this matter with respect to the initial status conference;

4       6. WHEREAS the stipulated briefing schedule will not affect the Court's calendar  
5 because all the pleadings will be filed in advance of the deadlines imposed by the Federal Rules  
6 of Civil Procedure;

7           IT IS PROPOSED AND STIPULATED:

8           The date set for Plaintiff to file his motion for summary judgment or partial summary  
9 judgment is January 10, 2008. The date set for Defendant to file its opposition to Plaintiff's  
10 motion for summary judgment or partial summary judgment, as well as a cross-motion for  
11 summary judgment, is January 25, 2008. Plaintiff's reply to Defendant's opposition to his  
12 motion for summary judgment or partial summary judgment, as well as Plaintiff's opposition to  
13 Defendant's cross-motion for summary judgment, will be due February 1, 2008. Defendant's  
14 reply to Plaintiff's opposition is due February 8, 2008. The hearing on both the motion for  
15 summary judgment and the cross-motion for summary judgment will be held on February 27,  
16 2008.

17           IT IS SO STIPULATED.

18 DATED: JANUARY 9, 2008

BERLINER COHEN

20 BY: /s/ HEATHER H. MUÑOZ  
HEATHER H. MUÑOZ  
21 ATTORNEYS FOR PLAINTIFF JOHN KESSLER,  
ADMINISTRATOR OF THE ESTATE OF RUTH  
22 FOUND HAWKINS

23 DATED: JANUARY 9, 2008

UNITED STATES ATTORNEY

25 BY: /s/ THOMAS M. NEWMAN  
THOMAS M. NEWMAN  
26 ATTORNEYS FOR DEFENDANT THE UNITED  
STATES OF AMERICA

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
2 DATED: 1/10, 2008

3 BY:

4 RICHARD SEEBORG  
5 UNITED STATES MAGISTRATE JUDGE



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